IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2928 OF 2006

Ashok Ratanchand Jain. ..Applicant.
Vs.
The State of Maharashtra. ..Respondent.

Mr.Rajiv Patil i/by A.M.Sarogi for the Applicant.
Mr.S.S.Tatkare, APP. for the Respondent.

CORAM : R.S. MOHITE,J.
DATED : 07/8/2006.

P.C.

1. This is an application for grant of anticipatory bail. The applicant is an accused in C.R.No.LAC/2541/2004 registered by Azad Maidan Police Station, Mumbai for offences under Section 3 and 25 of the Arms Act. The said F.I.R. was registered on 20.12.2004. It appears that after investigating the said crime, the police had followed the procedure under Section 169 of the Cr.P.C. and made a report to the Magistrate. On their application dated 10.8.2005, the Magistrate discharged the accused. It is the contention of the police that now fresh evidence has surfaced regarding the commission of offence and therefore, they have made application to the Magistrate for fresh arrest of the applicant and for conducting fresh investigation. This application has been allowed by the Magistrate by an order dated 31.1.2006. This order of the Magistrate

is not under challenge. However, it appears that in the said crime, the applicant has been already arrested on 20.12.2004. It is fairly conceded that there can be no second arrest in the said crime. In the circumstances, I am inclined to grant relief to the applicant.

. It is therefore, directed that pending further investigation in Crime No.LAC/2541/2004, the applicant shall not be arrested unless order cancelling his bail is obtained by the police in accordance with law.

2. The Advocate for the applicant states that he will take instructions if order dated 31.1.2006 is required to be separately challenged. There is always liberty to challenge the said order before the appropriate court.

(R. S. MOHITE, J.)